

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Rules and Regulations Implementing)	CG Docket 02-386
Minimum Customer Account Record)	
Exchange Obligations on All Local and)	
Interexchange Carriers)	

REPLY COMMENTS OF SBC COMMUNICATIONS, INC.

SBC Communications Inc. ("SBC"), on behalf of its local exchange telephone companies and long distance affiliates, hereby submits these reply comments in response to the comments filed in the aforementioned docket.¹

As the record overwhelmingly demonstrates, certain, essential information must be exchanged between local exchange carriers ("LECs") and interexchange carriers ("IXCs") to allow these carriers to establish, manage and bill their customer accounts and execute customer changes between carriers.² Most commenters, thus, support the Commission requiring all LECs and IXCs to exchange minimum, essential data, and to do so through the industry established Customer Account Record Exchange ("CARE") process.³ While many commenters did not specifically identify the minimum categories of data that should be exchanged, those that did proposed many of the same data exchange requirements proposed by SBC.⁴

¹ *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, Notice of Proposed Rulemaking*, CG Docket No.02-386 (rel March 25, 2004).

² Comments of Alliance for Telecommunications Industry Solutions ("ATIS") at 6; Comments of Americatel Corporation at 5; Comments of AT&T, MCI and Sprint ("Joint Petitioners") at 3; Comments of BellSouth at 3; Comments of New England Conference of Public Utilities Commissioners ("NECPUC") at 5; Comments of Time Warner Telecom at 3; Comments of Cox Communications at 1.

³ *Id.*

⁴ Comments of BellSouth at 6; Comments of Cincinnati Bell at 6; Comments of Qwest at 9; Comments of National Association of State Utility Consumer Advocates ("NASUCA") at 2.

SBC continues to believe that each of its following proposed minimum CARE obligations is essential and should be adopted by the Commission:

- (1) LEC notification to the presubscribed IXC when the LEC becomes the new local provider;⁵
- (2) LEC notification to the presubscribed IXC when the customer disconnects dialtone with the LEC;⁶
- (3) LEC notification to the presubscribed IXC when a customer is put on the IXC's network, including billing name, address ("BNA") and telephone number;⁷
- (4) LEC notification to the presubscribed IXC when the LEC's customer is removed from the IXC's network;⁸
- (5) IXC notification to the LEC when a LEC customer wants to change IXCs through contact with the IXC and confirmation by the LEC of the completion of that change;⁹ and
- (6) LEC notification to the IXC regarding why a PIC change order was rejected.¹⁰

Some commenters supported additional minimum CARE standards proposed by the Joint Petitioners or referenced in the NPRM, but tellingly did not demonstrate that such additional data is essential or that such data could only be obtained from the LEC.¹¹ As SBC and other commenters demonstrated in their comments, the exchange of such inessential additional CARE data should be the product of carrier negotiation, not regulatory mandate.¹²

⁵ *Id.*

⁶ *See* BellSouth at 6; Qwest at 9; NASUCA at 2.

⁷ *See* BellSouth at 6; Qwest at 9; NASUCA at 2; Cincinnati Bell at 6.

⁸ *Id.*

⁹ *See* BellSouth at 6; Qwest at 9; NASUCA at 2.

¹⁰ *See* BellSouth at 6; Qwest at 9.

¹¹ *See* generally Joint Petitioners.

¹² *See* SBC at 5; BellSouth at 8-9.

Other carriers asked the Commission to establish mandatory transaction codes, line-level databases and/or performance measures.¹³ The Commission should reject these proposals. As the record demonstrates, once mandatory minimum CARE obligations are imposed, the industry, through OBF, can determine whether specific transactions codes are necessary to comply with the mandatory CARE obligations.¹⁴ Likewise, the industry can address any lingering timing or accuracy delays. Further, multiple entities, including LECs, Intrado and Neustar, have products that identify carriers serving local lines, rendering adoption of a line-level database unnecessary.

Many small carriers expressed concern that mandatory CARE obligations could prove costly and burdensome.¹⁵ In recognition of this concern, SBC proposed that the Commission establish a process enabling these carriers to seek exemption from the requirement to participate in the CARE process, although they should continue to have to exchange the required minimum data elements through alternative means. SBC continues to believe that its proposal appropriately balances the needs of smaller carriers with the needs of IXC's to obtain the requisite data to manage their customer accounts.

Working Assets alleges that SBC and other LECs are leveraging their market power and control of CARE information to impose unreasonable termination terms and conditions on long distance providers.¹⁶ SBC's termination provisions are standard in the telecommunications industry. Working Assets has produced no evidence that SBC has abused these provisions in any way; thus, there is no basis for the Commission to begin micromanaging these commercial

¹³ See Joint Petitioners at 3-6 and 14-15; Americatel at 12-16, NECPUC at 8-9.

¹⁴ See ATIS at 7-8; Comments of Frontier and Citizens Incumbent Local Exchange Carriers at 2-4; See Qwest at 11-12; Comments of TDS Telecommunications Corp at 6-7.

¹⁵ Comments of Martin Group at 1-3; Comments of Creative Solutions at 3-5; Comments of Rural Incumbent Local Exchange Carriers at 4-5; Comments of Texas Statewide Telephone Cooperative at 1-3.

¹⁶ Comments of Working Assets Funding Service dba Working Assets Long Distance ("Working Assets") at 9.

transactions. Of course, Working Assets and any other carrier that believes SBC is implementing these provisions unlawfully can file a complaint.

In any event, SBC's proposed minimum CARE obligations should address most of Working Assets concerns. SBC and Working Assets agree that certain essential information should be shared between LECs and IXC's and agree, for the most part, on the types of essential information to be shared.¹⁷ Where SBC and Working Assets differ, SBC has already demonstrated in its comments that the additional proposed minimum data exchange requirements are inessential for the management of customer accounts.

BellSouth asks the Commission to, in addition to imposing mandatory minimum CARE obligations, require CLECs and ILECs to share certain customer data for changes involving a customer's local service.¹⁸ SBC generally supports such data exchange requirements for CLECs and ILECs, as SBC too has experienced innumerable instances where it did not receive necessary information from CLECs to effectively and timely transfer a local customer to SBC. Resolution of these LEC-specific issues, however, should not delay this proceeding.

The California Public Utilities Commission asks the Commission to require all carriers to be identified by a CIC or state registration code to assist agencies in tracking slamming and/or cramming complaints.¹⁹ The Commission is already considering this issue in the slamming docket.²⁰ As the record in that proceeding reflects, assignment of CICs or pseudo-CICs to all carriers raises a number of concerns, including the costs to deploy a CIC, and the impact additional CICs would have on limited-capacity LEC switches.²¹ The Commission requested

¹⁷ See SBC at 5; Working Assets at 11.

¹⁸ See BellSouth at 12.

¹⁹ Comments of the California Public Utilities Commission at 9.

²⁰ *Third Report and Order and Second Order on Reconsideration*, In the Matter of Implementation of the Subscriber Carrier Selection Changes of the Telecommunications Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket 94-129, (August 15, 2000).

²¹ *Id.* ¶¶ 24, 31.

and has received input from the North American Numbering Council on this issue and is in the process of assessing the costs and benefits of mandating a CIC requirement. The California PUC's concerns are thus being considered and should be addressed in the slamming proceeding, not here. To the extent the Commission concludes otherwise, the Commission should use existing industry-established codes, such as CICs. The creation of new carrier identifiers would be a significant undertaking for the industry. Most, if not all carriers, would have to modify their internal billing and other systems to accept and utilize new carrier identifiers, which would prove unnecessarily expensive, as well as time and labor intensive.

CONCLUSION

For the foregoing reasons, SBC requests that the Commission adopt only the minimum data exchange obligations proposed herein, require all carriers to participate in the CARE process and continue to allow OBF to manage the CARE process through industry cooperation and consensus.

Respectfully Submitted,

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